

SEA GIRT PLANNING BOARD
SPECIAL MEETING
TUESDAY, MAY 4, 2021

A Special Meeting of the Sea Girt Planning Board was held on Tuesday, May 4, 2021 at 7:00 p.m. virtually. In compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board and the Borough Clerk, fixing the time and place of all hearings. Roll call was then taken:

Present: Carla Abrahamson, Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Absent: Raymond Petronko

Board Attorney Kevin Kennedy was also present and Board Secretary Karen Brisben recorded the Minutes. It was announced that the date for this Special Meeting had been sent to the official newspapers of the Board, giving the proper login information. Mrs. Brisben gave her email information in case someone was having a problem with being able to speak or logon correctly.

Mrs. Laszlo then made a motion to approve the Minutes of the April 21, 2021 meeting, this seconded by Councilwoman Anthony and approved, all aye.

The Board turned to the first application of the evening, application for a Minor Subdivision to create three conforming buildable lots, Block 19, Lots 15 & 16, 100-104 Beacon Boulevard (The Beacon House), owned by The Beacon House, LLC.

All the correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Before starting this hearing, Mrs. Abrahamson recused herself as a relative lives within 200 feet of the property and Board Engineer Peter Avakian was sworn in. Mr. Kennedy then asked if any of the property owners within 200 feet had a problem with the notice they received and they can contact Mrs. Brisben at kbrisben@seagirtboro.com.

Mr. Kennedy then marked the following exhibits:

- A-1. The application.
- A-2. Minor Subdivision plan done by RC Associates, dated 3/21/21.
- A-3. Survey done by WSB Corporation, dated 8/12/20.
- A-4. Board Engineer's report revised date of 4/14/21.
- A-5. Tank Remediation information.
- A-6. Soil Boring report.
- A-7. Asbestos report.
- A-8. Asbestos Removal certification.
- A-9. 100 Beacon Boulevard demolition permit.

A-10. Pool demolition permit.

Mr. Kennedy then asked Mrs. Brisben if anyone had any comments on the notice and there were none so the Board proceeded with the hearing. Mr. Kennedy asked Mr. John Haulenbeek, Esq., the attorney for the Beacon House, if he would tell the Board who are the principals of The Beacon House, LLC. Mr. Haulenbeek said that Candace Kadimick was the sole owner.

At this time Ms. Kadimick was sworn in and told the Board she purchased the property in October of 1998 and has always been the sole manager of the property, it's been 23 years and it went from summer rentals to year around; it is now a 5-star B&B with a maximum occupancy of 50 people. The parking lot can hold up to 25 cars and she commented that a lot of people come in by train or Uber. She now wants to retire and sell the property so she wants to create three buildable single-family lots.

As far as environmental concerns there was an abandoned oil tank which was filled with sand 23 years ago, it will be removed after the driveway is removed. Also, soil boring tests were done (Mr. Haulenbeek noted these are Exhibits A-5 and A-6). Ms. Kadimick testified that there was asbestos siding on the two main buildings, the building that is still standing, 104 Beacon, is covered by vinyl siding and 100 Beacon has been demolished and was taken down properly, under the law, by a professional company. She said that 104 Beacon will be demolished between mid-July, mid-August and there was no asbestos internally when 100 Beacon Blvd. was taken down. There are no other issues environmentally.

She was asked if she was involved with litigation with the town and The Parker House and she said she was and nothing has been settled yet. Mr. Haulenbeek asked her if she has a broker and she said yes, Denise Dryer with Sothebys and also Richard Wight of Sothebys. She said Mr. Wight, who is also an attorney, has drafted a notice to be given to potential purchasers.

Mr. Haulenbeek said his client's testimony was done and the Board was asked if they had any questions. Mr. Ward asked Ms. Kadimick what is in the notice that Mr. Wight drafted and she said it explained that the lots are being sold as residential, single-family homes and it gives the link to the Borough rules and regulations. It also goes on further regarding the litigation, that there are two pieces of litigation: 1) the former buyer defaulted and 2) the lawsuit with others against the Parker House. Chairman Hall asked her if she has litigation against her and she said it is against her and The Beacon House, LLC from the previous buyer, Shore Home Builders. Mr. Haulenbeek said this is correct, they claim Shore Home Builders is in default and they have a motion for dismissal before the Court.

At this time Mr. Avakian went over his Engineering report that the Board and applicant had received. These are conforming lots and has no variances but noted that building plans for any future construction have not been submitted yet. He appreciated the information on the environmental issues that Ms. Kadimick gave the Board. He

asked if the storage tank was for heating oil and the answer was yes. He said that the information the Board received on the storage tank being removed was in order.

Mr. Ray Carpenter of RC Associates then was sworn in, he is a Professional Engineer and Planner and is known by the Board, he was accepted as an Expert Witness. Mr. Carpenter said he prepared the Minor Subdivision Plan (Exhibit A-2) and noted 3 lots will be created and will conform, no waivers or variances needed. Mr. Haulenbeek asked Mr. Carpenter how many cars will 3 homes generate and Mr. Carpenter referred to RSIS (Residential Site Improvement Standards) said 3, maybe 4, per lot making a total of 12 vehicles. He noted the existing variances, as well as the Use Variance there now will go away which complies with the Sea Girt Master Plan that properties should be zoned properly and this will be done here.

The Board had some questions for Mr. Carpenter; Mr. Walker felt there may be a problem with the height of a new structure due to measuring from the crown of the road and Mr. Carpenter said plans will be submitted in the future and will be addressed at that time. Mrs. Brisben said that First Avenue is a County road and asked if they had submitted an application to the County. Mr. Carpenter said they have not but they will be applying; he did not anticipate any problem as these are residential lots. Mrs. Brisben also told him she needs revised plans as no signature from the owner is on the plans submitted, the Borough needs 4 copies, if he wants one for his file he can submit 5 plans and one will be returned to him. Mr. Walker asked for confirmation that 104 Beacon Blvd. is going to be demolished and was told it will be; Chairman Hall reminded all that this needs to be done before the subdivision can be perfected and the deed signed.

Mr. Avakian answered Mr. Walker's question on the height and felt there should be no problem using the grade of the property, it should not be an issue. He also commented that the parking spaces that Mr. Carpenter was referring to are onsite spaces and not the street; Mr. Carpenter agreed.

Chairman Hall asked if anyone in the audience had any questions for Mr. Carpenter and there was no response so Mr. Haulenbeek summarized the application. He felt this was a unique application as it was clean, they are getting rid of a non-conforming B&B and making 3 conforming lots, he felt the testimony was made clear.

At this time the hearing was opened to the audience for general comments/questions. Bill and Christine Dunn of 117 Beacon Boulevard said that Candace was a good neighbor and a talented innkeeper and wanted to see the application approved without conditions; she should be able to sell her property. At this time Chairman Hall wanted to make it clear to the audience that the Planning Board can just decide on compliance and has nothing to do with any lawsuits there may be, the applicant was very open about it but it is out of the Board's jurisdiction and is between the buyers, sellers and Real Estate Agent. Eileen Devlin of 205 Beacon Boulevard was next to speak, she is a friend of Candace and was an employee of the Beacon House. She said Candace is a hard working woman and a generous person, having been

involved in helping out with charities for The Beacon House. She agreed with what the Dunns said and felt the application should be approved without restrictions. Henry Bossett of 11 Chicago Boulevard wanted to second what everyone else has said, Candace has been a pleasure and the application should be approved. Jim Boriotti of Beacon Boulevard also wanted to echo what everyone else said. Catherine Metcalf, corner of Beacon Boulevard and Ocean Avenue, thanked the neighbors for speaking and reiterated this is going from non-conforming to conforming, Candace should be allowed to do this and she felt the Board will act accordingly, she has a right to retire.

As there were no more comments from the public, the Board then went into discussion. Mrs. Brisben saw no problems with the application and was for approval. Mayor Farrell said this is a residential neighborhood and was in favor of 3 conforming lots. Mrs. Laszlo thanked Ms. Kadimik for many years of working in town and was in favor of the application. Mr. Ward echoed Mrs. Laszlo's comments and wished Ms. Kadimik a happy retirement. Councilwoman Anthony agreed with all the comments and thanked Ms. Kadimik for supporting Sea Girt and giving the Board the environmental information and wished her good luck. Mr. Koreyva felt it was a great application and was for it; Mr. Walker also felt it should be approved. Mr. Casey was glad to see it going to a conforming use and wished Candace the best in her retirement.

Mr. Kennedy then went over the conditions for approval: compliance with the Resolution of approval and the engineer report, COAH, perfecting the subdivision by deed with revised plans being submitted, non-conforming use being abandoned and building/grading plans submitted as well as any other approvals that may be necessary. Mr. Haulenbeek agreed with the conditions as noted. Mr. Ward felt there should be something said about the litigation and it is not in the Board's jurisdiction, Mr. Kennedy said that can be put in.

Mayor Farrell then made a motion for approval, with the conditions as noted, this seconded by Mrs. Laszlo and then by the following roll call vote:

Ayes: Councilwoman Diane Anthony, Karen Brisben, Jake Casey, Mayor Ken Farrell, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Ms. Kadimik wanted to make one comment, she wanted all to know she repurposed as much of the lumber as she could, an artist took some and the mantel was donated to the Spring Lake Historical Society. Also, Mr. Haulenbeek wanted to know if the Resolution will be done at the Board's regular meeting on May 19th and Mr. Kennedy said yes.

The Board then turned to an application for Use Variance relief for Block 33, Lots 1 & 2, 201 & 205 Trenton Boulevard, Lot 1 owned by Mary & Maureen Angelo, Lot 2 owned by 205 Trenton Boulevard, LLC, to allow the following: consolidation of Lots 1 &

2, removal of existing dwelling, driveway & detached garage on Lot 2, construct an addition to the remaining dwelling on Lot 1 with a second-floor connection; applicant is also proposing a second detached garage & driveway. This proposed addition changes the use of a single-family dwelling to a two-family dwelling, not a Permitted Use. Garage – one per property allowed, two proposed. Driveway - one per property allowed, two proposed. Side Setback – combined setback of 37.5 feet required, 27.5 feet proposed. Curb Cut – 13 feet maximum allowed, 14 foot curb cut proposed. Existing non-conformities: Side Setback along Second Avenue – required 15 feet, 14.75 feet existing & proposed. Maximum Height – 35 feet maximum allowed, 35.12 feet existing & proposed. Swimming Pool – no closer than 10 feet to a structure, 6.87 feet existing & proposed to detached garage.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Before starting this hearing, both Mayor Farrell & Councilwoman Anthony had to recuse themselves as this is a Use Variance and a member of the Governing Body cannot hear a Use Variance (a D variance). Mr. Kennedy had Mr. Avakian sworn in again for this hearing and again asked if anyone in the audience had an issue with the notice received; there was no response.

Mr. Kennedy then marked the following exhibits:

- A-1. The application.
- A-2. Zoning Officer Denial Letter.
- A-3. Lot consolidation and grading/drainage plan, 2 sheets, EKA Associates.
- A-4. Boundary & Topographic Survey for Lot 1 done by EKA Associates.
- A-5. Boundary & Topographic Survey for Lot 2 done by EKA Associates.
- A-6. Architectural Plans done by Greg Ralph Architect, 7 sheets.
- A-7. Board Engineer's report.

Mr. Kennedy noted that one of the lots is owned by the applicants, Mark & Maureen Angelo, and the other lot is owned by an LLC so he asked the applicants' attorney, Mr. Hehl, to identify the owners of the LLC. Chairman Hall then asked if it was proper to bring Mr. Hehl in so late as he was not listed as an attorney for this application; Mr. Kennedy explained that he had communicated with Mr. Ralph, the Architect, and told him the applicant needs to have an attorney due to the LLC being involved and this was done so everything is in proper order and is okay to proceed.

Mr. Hehl said he had renderings to be submitted and Mr. Kennedy marked these as Exhibit A-8, 4 sheets made by Greg Ralph, Architect and dated today. Mr. Hehl then proceeded to give testimony stating this is a unique application and, in his opinion, was not really a Use Variance as the property will be used for the family relatives and not be rented out. It does contain 2 separate units but they are joined and this will be one building lot and would not be considered as a two-family home to be leased out. This will really be an addition to the home and is a great layout which the architect will explain.

At this time Mr. Greg Ralph, Architect, was sworn in. He testified that the applicants had approached him with wanting to expand the home at 201 Trenton and build a new one at 205 Trenton but this will be one lot with an addition of a corridor between the two homes so family can visit. He then gave the dimensions of the first floor, 1420 square feet which includes the porch, with a modest expansion of a separate kitchen, living room and dining area; there will be very large glass openings to see the pool area from both homes so all can see a Courtyard. This property would not have been designed this way if it were to be two homes. He then explained that the second floor would have a Porte Cochere (a connection for the two homes) which will go into the existing home's main hallway. The attic will be used for a storage area. The second floor will have a square footage of 1,490 square feet including the connection. He then referred to Exhibit A-8 and showed the outside architecture which shows where the connection (or Porte Cochere) will be and explained this will look like one home. He again showed the large windows and second kitchen which will be looking like a kitchen for the pool area. There is an oversized one-car garage there now and they want to add a second garage for additional parking. He then referenced the basement for both units and said the applicant would also like to connect the two basements and would like to have this option, it would be a subterranean connection to go along with the one on the second floor.

They tried to avoid variances but noted the lot consolidation will cause a violation on the side setback. There will be no variance for coverage and the second garage will be conforming in size.

At this time the Board had questions, starting with Mr. Ward who asked if the second floor will be farther out than the first floor and Mr. Ralph said it would not. Mr. Walker asked what will be beneath the second floor walkway and was told landscaping. Mrs. Abrahamson wanted confirmation that if there is a combining of two lots into one lot, they are still asking for 2 curb cuts and 2 garages and Mr. Avakian answered and said yes. Mr. Avakian then asked Mr. Ralph if they are asking for two connections, second floor and basement as the application only mentions one on the second floor. Mr. Ralph said the applicant would like to also install a corridor between the basements of the Board would approve it. As there were no other Board questions the hearing was opened to the public for questions and there was no response so that portion of the hearing was closed.

James Watson was next to come forward, he is from EKA Associates, 328 Park Avenue, Scotch Plains, N.J. and was sworn in as a Professional Surveyor and Planner. The Board accepted him as an expert witness. He referenced Exhibit A-3, the Lot Consolidation Plan which shows the existing home on a 50x150 lot which conforms. They are now asking for a two-family residential home and would need a variance for a side yard setback, along with two driveways, two curb cuts and two garages. He then addressed the grading plan part of Exhibit A-3 and the stormwater drainage calculation. He explained the center of the sheet shows the grading plan with the proposed dwelling, a 2 ½ story home with a new driveway to a free-standing garage, along with a new curb cut and sidewalk, they will remove the existing landscaping and put in new. The Board

now went into questions and Mr. Walker asked for confirmation that the home at 205 Trenton Boulevard was coming down; Mr. Watson said, yes, it was built in 1939 and will be razed. Mrs. Brisben questioned the Use Variance need and was told this will be an inventive move and will reduce the negative of the variances, the connection is the only reason for the Use Variance.

He then referenced Mr. Avakian's report and, on page 3, noted the need for a side yard setback variance. Item "N" spoke of the second garage and Mr. Watson said this will look like it fits in the neighborhood and will look like two homes but will be one home. He then addressed Item "O" and gave the same explanation and this home will conform with the neighborhood. Item "P" speaks of the nonconformities with the existing pool and this does not change. Mr. Watson said some of the homes here are from the 1930-1950 era, some from the 1940s and new homes are being built here as well and they are all well maintained, there is no dominant type of home and the area is eclectic. He also said there are no two-family homes in this neighborhood. He then went back to the Use Variance need and special reasons to allow it; it encourages public health and general welfare, it improves the property by taking down an older home. He also said that if you look at this as two separate homes the density matches what is there, they are not adding families and are just connecting the houses.

He commented this is a creative development and is a one-of-a-kind home, connecting two wings to make it one. This is a "Zoning Unicorn" as this will look like two separate units but will be an efficient use of the land as there will be no new utility lines, etc. He then referred to the Sea Girt Master Plan where it speaks of maintaining a residential character and streetscape in town. Is the lot proposed for a good use? The applicant is trying to accommodate the family and keep the density conforming, there will be two wings with a connection, a main house and a guest house. Mr. Watson felt this is suited in this area. He did not see any negative criteria, no light, traffic, etc. being affected, all that is already here.

He summarized by stating this is a unique application and it can be used the way the applicant wishes with no change in density, the Use Variance being driven by the classification of a two-family dwelling but this is compatible with the neighborhood; it will be a main house with a wing to the left of it.

The Board then had questions and Mr. Walker asked about the fencing around the pool and was told it is there now. Mrs. Brisben asked if the garages will comply in size and was told yes. Mr. Casey asked about the building coverage and was told they do comply with the coverage and will be under 20%. Mr. Casey then questioned if the second garage should now be included in the lot coverage as you are only allowed one garage per lot. Mr. Avakian answered this and said the detached garage does not get included in building coverage even though it is a second garage as this is not covered in the Ordinance. Mr. Ward asked why they need a side yard setback variance and was told it was because they are merging two lots and this merger creates this variance. Mr. Ward then asked for confirmation this was one house and Mr. Watson said they consider it one house but they can't change the variance for this so they have to ask for

a Use Variance but it will match the streetscape. Mr. Avakian reminded all that the testimony has been given that the building will look like two buildings but will be one. He then asked Mr. Watson the length of the Porte Cochere and was told 14 feet. He then asked if that would comply with the side yard setback if that were not there and the answer was yes.

At this time Chairman Hall noted the application has reached the time limit of one hour and Mr. Hehl said he would like to have feedback from the Board and then carry this hearing to next month. The Board then gave their comments: Mrs. Laszlo asked if the Board was going to hear from the Angelos and reasons for their design plans. This is a very unique home and she was struggling with it. She was told they will be able to speak at the next meeting, they are here tonight. Mr. Casey appreciated the presentation and commented he would not be in favor of a basement connection. He, too, is struggling with two garages and felt the second garage should be in the building coverage and was not sure he heard enough as there was no mention of hardship or the needs for the variance relief. Mrs. Abrahamson was concerned with two garages and two driveways, why not just add on to the home? She did not want to see this in Sea Girt and was also struggling with the application.

Mr. Walker was not in favor of putting in a two-family home in a single family zone and he was not in favor. Mr. Ward also struggled with a lot of this, there already is a home with existing non-conformities and now are asking for more, the variances need to be minimized. Mrs. Brisben did not feel she had seen proof of approving a Use Variance here, could not see any special reasons to allow this and felt two separate homes can be built here with no variance relief needed. She was not in favor of it, there are other properties in town where people own side by side lots and did not want to see this here. Chairman Hall agreed with Mrs. Brisben on her comment that there can be two separate homes. He suggested they go back to the drawing board as he felt it was apparent this application will not go through as presented.

At this time Mr. Kennedy asked Mr. Hehl if this application should be carried to the June 16th meeting or do they want to go back to the drawing board. There was then a discussion on getting revised plans into the Board so there is time for another review by the Engineer and it was decided to go for the Wednesday, June 16th regular meeting and, if they can't get plans in on time the hearing will have to be renoticed. Mr. Kennedy then announced to the audience that no further notice will be given and this will be a remote meeting next month with the same login information. Chairman Hall also told the audience that they will have the ability to comment at the next hearing.

A motion to carry the Angelo hearing to the Wednesday, June 16th meeting at 7:00 p.m., virtually, was made by Mr. Ward, seconded by Mrs. Laszlo and approved by the following roll call vote:

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Eileen Laszlo, John Ward, Robert Walker, Norman Hall

Noes: None

Not Eligible to Vote: Stan Koreyva (only 7 members can vote on a Use Variance)

OTHER BUSINESS:

The Board turned to the consideration of a request from Council to review an Ordinance prohibiting the operation of any class of Cannabis Businesses. Mr. Kennedy said he had spoken with Borough Attorney Ray Bogan and Council has requested the Planning Board review the proposed Ordinance on Cannabis and if it is consistent with the Master Plan. The Council does not have to act on the comments but they do want the Board to review it. This Ordinance will opt out of allowing cannabis to be sold in town and there is a timeline to file this so the Board is looking at this tonight.

Chairman Hall could perhaps see a lawsuit here but felt it was well done and he reiterated what Mr. Kennedy had said, Council can override any Board comments, he felt it was the right thing to do to approve it. Mr. Avakian first said he appreciated being at the meeting and that the Board wants to hear his comments; Chairman Hall said the townspeople also have been asking for him to be here. Mr. Avakian then went back to the Ordinance and said the way it is worded, that no class of cannabis can be sold or made in Sea Girt, that this agrees with the Master Plan and is consistent with it.

Mr. Ward was in full support but noted it does not include medical cannabis and he wondered if this leaves a "crack in the door". He did not want to see a cannabis drug store on the corner. It was decided to write a letter to Council approving the Ordinance and noting Mr. Ward's concerns. A motion to do this was made by Mrs. Laszlo, seconded by Mr. Casey and then by the following roll call vote:

Ayes: Carla Abrahamson, Karen Brisben, Jake Casey, Stan Koreyva, Eileen Laszlo, Robert Walker, John Ward, Norman Hall

Noes: None

Before adjourning, Mrs. Laszlo wanted to speak to the Board. She said she has been asked about the approval for Chef's International, Rod's Tavern and that they will be using the roof deck for serving. She has explained that the Board did not approve this and it was not even part of the application – Chairman Hall commented on Fake News being circulated. Mrs. Laszlo said she did speak to Frank Kineavy and they are waiting on the permits for electric and plumbing and then will start work. She was also happy to have Mr. Avakian at the meeting as were the rest of the Board members. Mr. Avakian said a lot of Boards do not have a lot of input from the members and it was good to hear that Sea Girt Planning Board does have input.

Chairman Hall opened the meeting to the public for any comments and Sharon Kregg of 613 Brooklyn Boulevard questioned a pool being constructed on Brooklyn Boulevard and Bell Place. Mrs. Abrahamson knew what she was speaking about and said it faces Brooklyn but it is on Bell Place and it was approved. Mrs. Brisben told Mrs.

Kregg to contact the Zoning Officer/Code Enforcement Official, Chris Willms, for any concerns; he will have the answers to her questions.

As there was no other business to come before the Board, a motion to adjourn was made by Mr. Casey, seconded by Mr. Walker and unanimously approved, all aye. The meeting was adjourned at 9:38 p.m.

Approved: May 19, 2021

Karen S. Brisben, Board Secretary